

PATENT

41928

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Yukihiro MATSUMOTO et al.

Serial No.: 09/883,266

Filed: June 19, 2001

For: PRODUCTION PROCESS FOR WATER-
ABSORBENT RESIN

Group Art Unit: 1713

Examiner: T. Zalukaeva

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 C.F.R. 1.181(a) OR IN THE ALTERNATIVE
PETITION TO REVIVE UNINTENTIONALLY ABANDONED
APPLICATION UNDER 37 C.F.R. 1.137**Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the November 6, 2003 Office communication enclosing a Notice of Abandonment for the above-identified application, Applicants hereby petition for withdrawal of the holding of abandonment. In the alternative, Applicants request revival of this application under 37 C.F.R. 1.137.

Applicants submit that the Notice of Abandonment is erroneous since a Request for Continued Examination (RCE) and an Amendment under 37 C.F.R. 1.116 responsive to the April 3, 2003 Office Action were timely filed at the U.S. Patent and Trademark Office (PTO) on July 3, 2003. Attached are copies of the Amendment, RCE and the corresponding date-stamped postcard, which clearly indicates that the documents were filed with the PTO on July 3, 2003. Accordingly, Applicants respectfully request withdrawal of the erroneous holding of abandonment for the above-identified application.

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In the alternative to the Petition to Withdraw the Notice of Abandonment, Applicants hereby Petition to Revive this application as being unintentionally abandoned pursuant to 37 C.F.R. 1.137(b).

Applicants submit that the entire delay from the due date for the reply up to the date of this grantable Petition was unintentional. Copies of the RCE and Amendment are attached. Since this application was filed after June 8, 1995, no terminal disclaimer is required.

Pursuant to MPEP 711.03(c)(I), it is believed that no fee is required. However, the Commissioner is hereby authorized to charge any fees which may become due in connection with this communication or credit any overpayment to Deposit Account No. 18-2220.

Respectfully submitted,



Garrett V. Davis
Reg. No. 32,023

Roylance, Abrams, Berdo & Goodman, L.L.P.
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Dated: November 11, 2003

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Due Date 7-3-03 Today's Date 7-3-03
USSN/USP 09/883.266 RAB&G FILE NO. 41928 BY: GVD / gka
In Re Yukihiro MATSUMOTO et al.
For PRODUCTION PROCESS FOR WATER-ABSORBENT RESIN

The following was received in the U.S. Patent & Trademark Office on the date stamped hereon:

- ☒ Check for \$ 750.00
☐ Specification _____ pgs. _____ claims JUL 03 2003
☐ Combined Decl., Petition & Power
☐ Assignment
☐ Drawings _____ Sheets ☐ Formal ☐ Informal
☐ Small Entity Statement
☐ Claim for Priority & ☐ Document
☐ Information Disclosure Statement
☐ Trademark Application & _____ Specimens
☐ Rule 53(b) Appln. ☐ Rule 53(d) Appln. (CPA)
- ☒ Amendment ☐ Response
☐ Notice of Appeal
☐ Brief ☐ Req. Oral Hearing
☐ Issue Fee Transmittal
☐ Trademark Renewal Application
☐ Decl. of Use ☐ 8 ☐ 15
☐ Petition to Extend _____ mos./days
☐ Completion of Application
☒ Request for Continued
Examination (RCE)
☐ Due Date Not Related To Response

Case Docket No.: 41928

PATENT

In re Application of: Yukihiro MATSUMOTO et al.

Serial No.: 09/883,266

Patent Art Unit: 1713

Filed: June 19, 2001

Examiner: T. Zalukaeva

For: PRODUCTION PROCESS FOR WATER-ABSORBENT RESIN

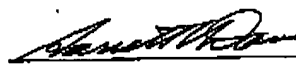
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Transmitted herewith is an Amendment and RCE in the above-identified application:

☐ Applicant claims small entity status. See 37 CFR 1.27.☐ No additional fee is required.

The fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	SMALL ENTITY		OTHER THAN A SMALL ENTITY	
				RATE	ADDIT. FEE	RATE	ADDIT. FEE
TOTAL	14	- 20 =	0	x 9 =	\$	x 18 =	\$
INDEP	3	- 3 =	0	x 40 =	\$	x 80 =	\$
<input type="checkbox"/> FIRST PRESENTATION OF MULT. DEP. CLAIM				+ 135 =	\$	+ 270 =	\$
If the difference in Col. 1 is less than zero, enter "0" in Col. 2				TOTAL	\$	TOTAL	\$

☒ The RCE fee of 750.00 under 37 CFR 1.17(e).☐ Please charge my Deposit Account No. 18-2220 in the amount of \$_____. A duplicate copy of this sheet is attached.☒ A check in the amount of \$ 750.00 is attached.☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 18-2220. A duplicate copy of this sheet is attached.☒ Any additional excess claim fees under 37 C.F.R. § 1.16.☒ Any additional patent application processing fees under 37 C.F.R. § 1.17.Dated: July 3, 2003Roylance, Abrams, Berdo & Goodman, L.L.P.
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spg
Paper Number 17

In re application of	:	
Yukihiro Matsumoto et al.	:	DECISION ON
Serial No. 09/883,266	:	PETITION
Filed: June 19, 2001	:	
For: PRODUCTION PROCESS FOR WATER-ABSORBENT	:	
RESIN	:	

This is a decision on the PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. 1.181(a) OR IN THE ALTERNATIVE PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION UNDER 37 C.F.R. 1.137, filed November 12, 2003. The petition requests that the abandonment, as set forth in the Notice of Abandonment of November 6, 2003, for failure to timely file a proper reply to the Office letter mailed on April 3, 2003, be withdrawn since the applicants did timely file a reply on July 3, 2003. (Copies of the papers filed July 3, 2003 are attached to the instant petition, the copies include a REQUEST FOR CONTINUED EXAMINATION and an AMENDMENT.)

DECISION

The instant request has been accepted as a petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 (no fee) - no abandonment-in-fact. A review of the evidence presented reveals that applicant's response was properly filed on July 3, 2003 as evidenced by the copy of the USPTO date-stamped return receipt postcard indicating receipt of the papers at the USPTO on July 3, 2003. A review of the USPTO financial records relating to the instant application further indicates that \$750.00 was credited to the instant application file on July 8, 2003 with the method of payment by check with a USPTO receipt date of July 3, 2002.

Accordingly any holding of abandonment for failure to timely file a proper reply to the Office letter mailed on April 3, 2003 is hereby vacated and the application is returned to pending status. The application shall be forwarded to the Examiner for processing and entry of the papers originally filed July 3, 2003.

The Petition is **GRANTED**.

Jacqueline Stone, Director
Technology Center 1700
Chemical and Materials Engineering

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